FOR CONGRESS IN BAD AXE, MICHIGAN . .

INSPECTS OHIO TORNADO DAMAGE WITH REP. CLARENCE BROWN

THE WHITE HOUSE

Nixon Campaigns for His Presidency

I realized I had to take my case to the people and convince them of my honesty and integrity.

From Paris, France, to Xenia, Ohio, to Bad Axe, Mich., Richard Nixon last week took his own advice, as set forth in the *Six Crises* description of how he defused the 1952 uproar over his political slush fund. This time, his counteroffensive was against the gathering danger of his impeachment, and the peripatetic President's message to the American public was that despite Watergate he was still greatly respected and needed abroad, and could still be welcomed and on top of things at home. But his travels provided Nixon with no more than a brief respite from the pressures of Watergate and impeachment. Nor could his activity hide the fact that beneath the surface calm, he has been deeply affected by them. He often seemed subdued, yet at times he was unusually euphoric.

In Paris, where he had journeyed to join in a memorial service for President Georges Pompidou, his exuberance led to a series of small, yet embarrassing gaffes. Obviously cheered by the friendly throngs that surrounded him whenever he appeared in public, the President at one point declared that it was "a great day for France." In fact, it was a national day of mourning. At the U.S. embassy, Nixon startled British Prime Minister Harold Wilson by enthusiastically grabbing his face with both hands, Italian "good-ta-see-ya" style. Then, motioning toward a blonde woman in Wilson's entourage, the President asked: "Is that the one we've been hearing about?" It was an obvious and tactless reference to Wilson's private secretary, Marcia Williams, who has been implicated in a land speculation deal that threatens to scandalize Britain (*see* THE WORLD). An approximate equivalent would be Wilson asking: "Is that the one who erased the tape?" Afterward, Wilson murmured to an aide: "This might have helped Nixon, but I'm not sure what it did for me."

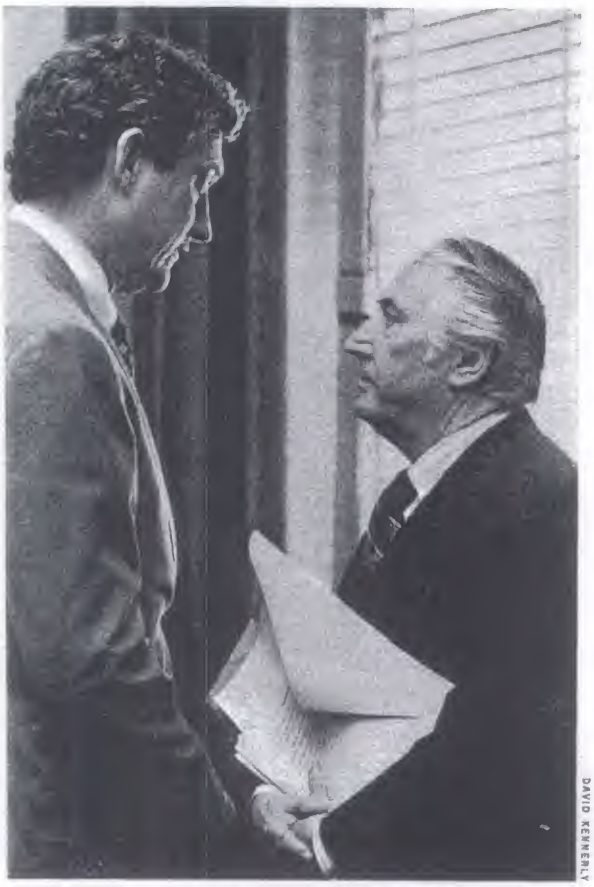
Before Nixon left Washington, Deputy Press Secretary Gerald Warren said that substantive talks with the foreign leaders assembled in Paris for Pompidou's wake would be "inappropriate." But meetings were requested by six visiting government leaders (among them Wilson, West German Chancellor Willy Brandt and Soviet President Nikolai Podgorny), and Nixon naturally enough honored the requests. The meetings offended some French sensibilities. Complained *Le Monde* in an editorial: "It was a President under reprieve who stole the show from a dead President." Nonetheless, his aides pointed to the sessions as evidence that world leaders look on Nixon as vital in foreign affairs. Said Chief of Staff Alexander Haig: "A viable presidency is a cornerstone of world security."

Plainly Shaken. Nixon was scarcely home before he took to the road again. On Tuesday, he flew to the Ohio farming town of Xenia, which had been virtually destroyed by a tornado the previous week. For 2½ hours, he toured the devastated area by helicopter and by car, and was plainly shaken. "In terms of destruction, just total devastation, this is the worst I have seen," he said. He ordered Administration officials to cut through the red tape and speed aid to rebuild the town. "Within a matter of two or three years," he promised, "you are going to find Xenia back on its feet, better than ever."

The next day Nixon was in rural Michigan, campaigning for a Republican candidate for Congress, James Sparling Jr. He had asked for Nixon's help at a time when polls showed him running well behind Democrat Robert Traxler. By last week, however, Sparling was not so far behind and was calling his invitation a challenge to Nixon "to get out of the White House and face the people." He even went so far as to issue a statement that greatly embittered White House aides. It said in part: "The shadow of guilt now hangs over the President of the U.S."

A week of work by presidential advancemen in the traditionally Republican district underscored the importance Nixon placed on the political outing—for himself. The White House had talked such reluctant Republican leaders as Governor William Milliken and Senator Robert Griffin into greeting the President on his arrival at Tri-City Airport, though neither helped him do any campaigning the rest of the day. Advancemen also had laid out a 57-mile motorcade route that passed through a dozen communities but carefully avoided the main population centers of Saginaw and Bay City, both Democratic strongholds.

In Bad Axe, Cass City and Sandusky, Nixon drew crowds far larger than the towns' populations (all under 3,000). For the most part, the reception was friendly, though not enthusiastic. There were some hostile placards (among them: IMPEACH THE CROOK and CAPONE GOT 10 YEARS) but many more pro-Nixon demonstrators, including a group that chanted, "God loves the President." Then it was back to Washington, a change of suitcases, and off to his Key Biscayne home for the Easter weekend.



JUDICIARY COMMITTEE'S DOAR & RODINO

WATERGATE

A Bipartisan End to Patience

The House Judiciary Committee finally lost patience last week with the cavalier and inconclusive White House responses to its six-week-old request for presidential tape recordings. Acting with impressive bipartisanship after a tense week of backstage maneuvering, the committee voted, 33 to 3, to subpoena the evidence.

In a sense the committee's historic action—it was the first resort by the House to a subpoena for evidence from a President in an impeachment inquiry—was more symbolic than practical. Although the committee was on solid legal ground in issuing the subpoena, it has no effective way to enforce it. If Nixon chooses not to honor it fully, the committee can seek a citation against him from the House for contempt of Congress. While ordinary citizens can be imprisoned for such contempt, the only effective recourse for the House in the case of a President apparently would be to add such defiance as another article of impeachment. For Nixon, however, failure to comply with the subpoena would have far more than symbolic impact; it would virtually confirm that there is incriminating material in the subpoenaed conversations that he is trying to hide.

The Judiciary Committee and Republican leaders in both chambers of Congress had worked frantically to avoid this newest constitutional confrontation spawned by Watergate. After Democrat Peter Rodino, chairman of the committee, set Tuesday, April 9, as the firm deadline for a definitive White House response to its Feb. 25 request for 41 tapes, congressional Republicans repeatedly implored Nixon's chief Watergate counsel, James St. Clair, to respond affirmatively and cooperatively. If he did not, they warned, the subpoena could not be avoided.

As the deadline approached on Tuesday, Dean Burch, Nixon's newest high-level assistant, carried a copy of St. Clair's proposed response to Capitol Hill. There the Senate's top G.O.P. leaders, including Hugh Scott, Robert Griffin, John Tower, Wallace Bennett, Norris Cotton and William Brock, read it and bluntly told Burch that it was inadequate. "It won't fly," snapped one of these leaders. "It doesn't go far enough," complained Scott. "You've got to get a line in there on your intent to cooperate with the committee." In partial explanation, Burch told the Senate Republican leaders that only one White House

Why Those Tapes Were Made

Out of thine own mouth will I judge thee.
—Luke 19: 22

One of the continuing ironies of Watergate is that Richard Nixon has become increasingly entangled in the scandal largely through a needless and voluntary creation of his own: his secret system for recording nearly all of his official conversations. If his clandestine tape recorders had not been silently capturing his words and those of his most intimate aides, he probably would not now be in so imminent a danger of impeachment. If he is finally forced out of office, it may well be largely due to those telltale tapes. Nearly forgotten in the endless struggles over access to those recordings is the question: Why did he ever install such a potentially dangerous system in the first place?

Men close to Nixon are now in fairly full agreement on the basic reasons. Foremost, according to them, was Nixon's awareness of history and his place in it. Nixon yearned to write one day a definitive work that would be the classic of presidential memoirs. With thousands of his conversations in the White House and the Executive Office Building available for precise—if selective—quotation, he could produce a detailed and colorful narrative far beyond the capability of any of his predecessors. "More than most Presidents," recalls one of his former assistants, "Nixon spent a lot of time poring over what he said and did. It was vital to him to have an accurate record." Adds another aide: "Nixon wants a record of everything."

■

The wondrous gadgetry of the system, with its tiny hidden mikes, its voice-actuated mechanism that required only a few spoken words to set recorder reels twirling in obscure recesses of the E.O.B., fascinated the President, his aides say. Moreover, what assistant could be more efficient than this omniscient and faithful monitor? Some presidential conversations, especially those with world leaders, were too important to permit misunderstandings. In the first 2½ years of the Nixon presidency, such advisers as Henry Kissinger, H.R. Haldeman and John Ehrlichman laboriously took notes at important meetings. All three soon became much too busy for that; the recording system, installed in the late spring of 1971, was a welcome substitute.

But a common-sense question intrudes: Would Nixon speak in total candor, knowing that his words were being preserved on tape? There is every indication that he did. Some investigators who have heard many of the tapes have said that they were appalled by the degrading conversation—talk that they did not expect to hear at a presidential level. "I wish I had not heard it," sighed one listener. Part of the offensiveness lies in Nixon's well-known private penchant for locker room language. What is less well known and more bothersome are the bitter and sometimes savage epithets he aims at individuals who have in some way angered or crossed him, and these highly personal comments include flecks of anti-Semitism.

Nixon's willingness to permit the recording of such language or possibly incriminatory material can be explained only by the hubris of the presidency, his absolute confidence that the tapes belonged to him and could never be wrested from him. The existence of the recorders was originally known only to a few Secret Service technicians and three trusted aides: Haldeman, Lawrence Higby and Alexander Butterfield. It was Butterfield who startlingly revealed the system in response to a throwaway question from a Senate Watergate-committee staff counsel on July 13. Even then the President must undoubtedly have felt that he could still protect the tapes with his claims of Executive privilege. Indeed, there had been discussions among those privy to the system about dismantling the recorders as early as six

lawyer, J. Fred Buzhardt, and a secretary had been assigned to review the tapes. It took them a full day to transcribe just one confusing six-minute segment of conversation on one tape, Burch contended. Some of the Senators suggested that if that were true, more manpower should be assigned to the task. Burch relayed the senatorial complaints to the White House.

Insulting Letter. St. Clair then redrafted his letter, which was sent to House Judiciary Committee Counsel John Doar. Couched in condescending terms, it asked for two more weeks to "review" the requested material. St. Clair said he "was pleased" with Doar for a letter on April 4 clarifying the evidence sought. St. Clair wrote that this "goes a long way toward providing the additional specifications we felt were lacking in your original request." He said, "The additional material furnished will permit the committee to complete its inquiry promptly," after this week's congressional Easter recess. He did not say what that "material" would be. Nixon thus was reserving to himself the decision on what he finally would yield. St. Clair also seemed to link any further furnishing of evidence with his request that he be permitted to take part in the committee's impeachment deliberations.

Democratic members of the committee considered the letter insulting, but most kept silent and let the Republicans complain. "It was offensive to the House," protested Edward Hutchinson, the committee's ranking Republican. "If this is a ruse to prevent us from getting what we asked for, I don't want to fall for it," added Robert McClory, one of Nixon's staunchest backers on the committee. "The letter," conceded House Republican Leader John Rhodes in understatement, "left a great deal to be desired."

Rhodes and other Republicans phoned St. Clair to tell him that a subpoena was imminent unless he gave more ground. Rodino, for his part, knew he had a majority in favor of issuing a subpoena. But he did not want the vote to be along party lines. He was also aware of three continuing sources of Republican dissatisfaction with his handling of the committee so far: 1) he had prevented any vote on whether St. Clair should represent the President during committee proceedings; 2) he had similarly postponed any decision on the procedures the committee would follow as evidence on the President's conduct was considered; 3) he had not yet permitted a narrowing of the committee's inquiry, which included 56 areas of possible Nixon misconduct. Republicans were chafing under this Rodino rule.

Rodino then moved adroitly to eliminate these sources of partisan tension. He announced that he would convene the committee in the first week after the

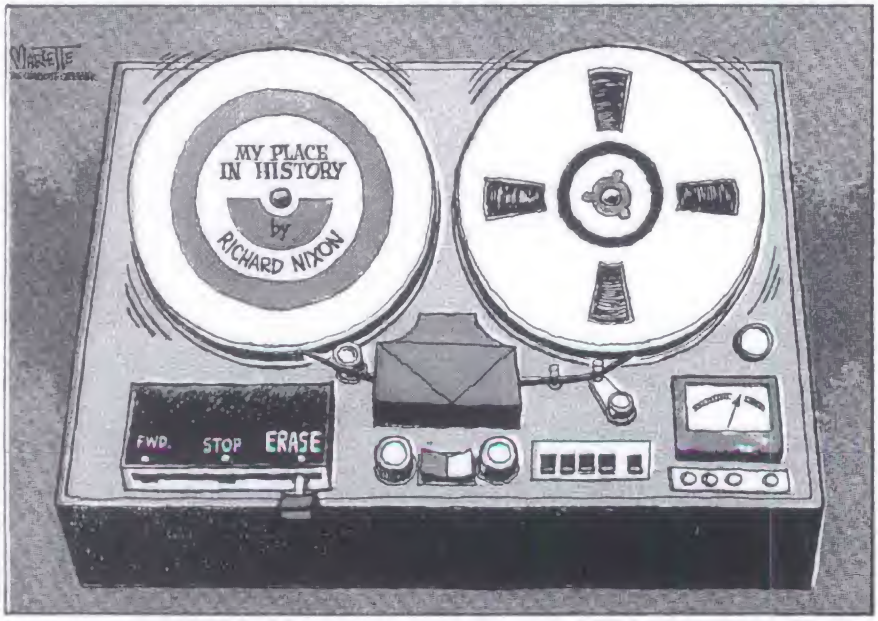
DOUG BRUCE—CAMERA 5

PRESIDENTIAL COUNSEL JAMES ST. CLAIR

months after the Watergate burglary, and again when the cover-up began to unravel. But nothing was done. "He never in the world thought he would have to give up any of those tapes to anybody," insists one White House source.

Again common sense asks why, once the Watergate investigation began, Nixon did not destroy all of those tapes that even he concedes could be interpreted differently from the way he prefers? This could easily have been done before Butterfield revealed their existence—or even after, up until the time some were subpoenaed. Nixon was certainly under no legal obligation to keep them before they became sought-after evidence. It would have been embarrassing, of course—but not criminal—to have destroyed them in this interval.

Some former Nixon associates offer a plausible theory to explain why the tapes were kept available in the White House as the Watergate scandal unfolded and before the public was aware of the recording setup. If any member of the cover-up conspiracy were to make any false accusations about a talk with the President, Nixon could contend he had taped that conversation because he had felt it was especially important. Then he could produce the tape and destroy the credibility of the witness.



There is no clear indication yet of how damaging the tapes will prove to be for Nixon. Certainly his general reluctance to yield them to investigators has created widespread suspicion that they hurt rather than help his cause. So, too, has the report of a group of technical experts that part of one tape was deliberately erased. That conclusion is expected to be confirmed and strengthened when the panel presents its full scientific analysis, probably this week, to Federal Judge John Sirica in Washington. So far, two other tapes have been declared to be "nonexistent" by the White House. Never adequately explained has been the fact that Haldeman checked out 22 tapes on April 25, 1973, returned them the same day, then withdrew them again on April 26 and kept them until May 2. There is, indeed, still much to be explained about those fateful tapes that have contributed so much to Richard Nixon's difficulties and could even end his political career.

REPUBLICAN CONGRESSMAN HUTCHINSON
Outvoted 33 to 3.

Easter recess to "decide on whether and how the issues can be narrowed." He and the committee Democrats caucused and agreed that St. Clair would be permitted to sit in on the presentation of evidence. Rodino said he would also convene the committee in the second week after the recess to "adopt rules to govern its procedures during the evidentiary hearings."

A partisan split threatened again, however, when St. Clair made a desperate last-minute attempt to arrange a deal with the committee. At 9:57 a.m., just 33 minutes before the committee was to consider the subpoena issue, St. Clair telephoned Doar. The review of the tapes, he now revealed, could be completed in "a day or two," after all, and he would then "try" to provide the tapes specified in the first four of six requests put forward by the committee staff. St. Clair asked: Wouldn't that make a subpoena unnecessary? Replied Doar: "I cannot speak for the committee."

When the committee met, Doar related St. Clair's offer. Massachusetts Democrat Harold Donohue nevertheless quickly offered a motion to subpoena all of the requested tapes by April 25. That is three days after the end of the Easter recess, and it more than met St. Clair's original request for added time to review. Donohue then moved that debate on his motion be limited to a half-hour (less than a minute for each of the 38 members). That set off Republican complaints.

Dilatory Tactics. With partisan passions rising, Doar was asked his opinion on whether St. Clair's belated offer was acceptable. "My recommendation," he replied in his flat, unemotional manner, "is that the committee issue the subpoena for all six items today." Doar's patience and fairness in the inquiry so far has won respect among Republicans. Some then backed his view. Republicans Hamilton Fish Jr. and Lawrence Hogan complained about the "dilatory tactics" of St. Clair. Republican David Dennis nonetheless asked to subpoena only the first four items. Republican Delbert Latta, a Nixon loyalist, offered a motion that the subpoena be perfected by making the last two items more precise, apparently an attempt to delay a subpoena vote.

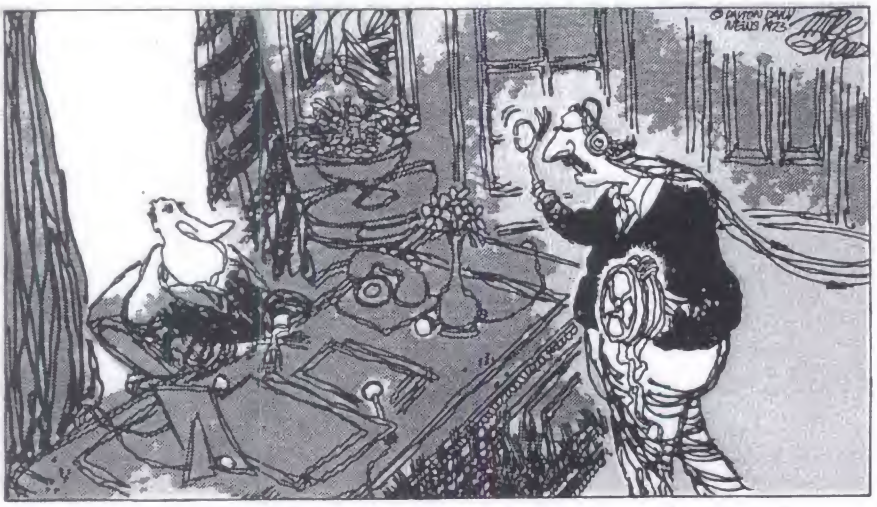
Too Equivocal. Reacting cannily and quickly, Chairman Rodino saw a chance to diffuse the emotions. He asked Latta if he had any proposed clarifying language in writing. Caught short, Latta said it would require some time to prepare. Rodino suggested that the committee should recess until afternoon, which would also afford time for more extended debate. During the lunch hour, Latta searched for the proper wording for his amendment, finally adopted the language of a Doar memo explaining the last two items. Rodino gladly accepted it, declaring: "I'm not seeking a confrontation. I'm seeking evidence."

When the committee reconvened, Latta introduced his amendment, and it carried unanimously. The Republican resistance to subpoenaing all six items had virtually vanished. Robert McClory added a clinching revelation. He told the committee that during the lunch hour he had called St. Clair and asked whether Nixon's lawyer would put his latest offer in writing. St. Clair had refused. McClory's patience too thus had expired. "I think the offer is entirely too equivocal," he said of St. Clair's stand. When the roll was called, only three Republicans dissented. Among them was Hutchinson, who explained later: "One, the subpoena is unenforceable. Two, they offered to turn over voluntarily the material, and I think in the end would have turned it all over. And three, the subpoena is not returnable until after Easter, and they offered us some material sooner."

All of the subpoenaed evidence relates to whether Nixon discouraged efforts to cover up the true origins of the Watergate wiretap-burglary and tried to "get the truth out," as he has repeatedly contended, or whether he cooperated in that concealment. St. Clair apparently was willing to turn over most of the requested conversations covered by the committee's first four requests, including talks among Nixon and his former aides, H.R. Haldeman, John Ehrlichman and John Dean, between Feb. 20 and March 20, 1973. He did not, however, agree to yield most of the requested tapes after March 21, when all parties agree that Dean told Nixon about the hush money and other cover-up activities of the President's associates. Two of the subpoenaed items after that date involve Nixon's conversations with 1) Ehrlichman and Haldeman between April 14 and April 17, and 2) then Attorney General Richard Kleindienst and Henry Petersen, head of the Justice Department's criminal division, between April 15 and April 18. It was during this period that the cover-up was unraveling.

Opaque Response. The White House response to the subpoena was opaque and critical. Presidential Press Secretary Ronald Ziegler would say only that "additional material" would be supplied by the due date of the subpoena and that this "will be comprehensive and conclusive in terms of the President's actions." The White House had not been stalling in delivering evidence, he insisted; any delay was due to the Judiciary Committee's slowness in getting specific about its requests.

The impact of the subpoena is still far from clear. Certainly, it further eroded Nixon's standing in Congress, where the Judiciary Committee's careful approach to its unwanted and awesome duty has been well received. The subpoena will hardly help Nixon's standing in the court of public opinion. A Harris poll showed last week that Nixon had gained five points in general approval, to 31%; the poll was taken before his huge tax liability was announced. Harris also reported that for the first time a plurality of Americans, 43% to 41%, feel that the President should be impeached and removed from office.



"Sounds super, sweetheart, but we're getting some distortion on the playback . . Try working the desk mike a little harder . . . otherwise fat city."